

36

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1194 of 1994

DATE OF ORDER: 4th July, 1996

BETWEEN:

1. Smt. C.Krupa Rani,
2. Smt. G.Koteswari .. Applicants

and

1. The Superintending Engineer,
Hyderabad Central Circle,
CPWD, Koti, Hyderabad,
2. The Director General of Works,
CPWD, Nirman Bhavan, New Delhi,
3. Smt. G.Chandra Kala
4. Smt. P.Sumati Devi .. Respondents

COUNSEL FOR THE APPLICANT: Shri P.B.VIJAYA KUMAR

COUNSEL FOR THE RESPONDENTS: Mr. K.BHASKAR RAO, ADDL.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMINISTRATIVE)

JUDGEMENT

(AS PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMINISTRATIVE))

Heard Shri P.B.Vijaya Kumar, learned counsel for the applicants and Shri K.Bhaskar Rao, learned standing counsel for the respondents.

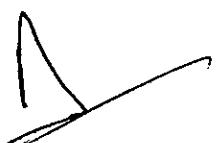
2. There are two applicants in this OA. They were posted as UDC in the Accounts Branch on 29.9.93. They were transferred from the Accounts Branch to the Corresponding Branch by the impugned order dated 14.9.94 (Annexure I).



The applicants state that in terms of the provisions of Section 8, Para 21 at Page 79 of the CPWD Manual, Volume I, transfer from Accounts to Correspondence Branch shall be only after one puts in three years of service in the Accounts Branch. As they have not completed 3 years of to the Correspondence Branch in terms of the impugned orders.

3. This OA is filed for setting aside the impugned order No.9(23)94/HCC/3708 dated 14.9.94 as it is against the rules and for consequential direction to retain them in the Accounts Branch. An interim order in this OA was issued on 23.9.94 wherein it was directed that "until further orders, the applicants should be allowed to continue in the Accounts Section".

4. Reply has been filed. I do not find much of substance in this connection in this OA. As a matter of fact, the respondents have indirectly admitted the existence of the rule in CPWD Manual as quoted above. But they are not specific for not adhering to the above said rule. In Para 7 of the reply, it is stated that the applicants were posted to the Correspondence Branch due to the pressure by the Employees' Association. But where there is a policy of transfer, pressure or otherwise of the Association should not stand in the way of the respondents to implement the instructions given in the Manual. If such a pressure comes, it has to be resisted so that law is

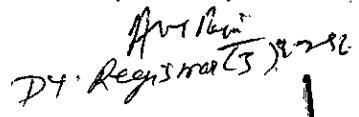


upheld. Law reaches its goal when it is adhered both in letter and spirit. Now that the period of three years is almost yet to be over in September, no further orders in this OA is considered necessary. It is left to the concerned controlling officer to decide the question of transferring the applicants from Accounts Branch to the Correspondence Branch in accordance with the rules. The Controlling Officer may also post them in any other Branch if the rule permits.

No.4 above. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 4th July, 1996
Open court dictation.


D.Y. Registrars

contd--41

vsn

YLR/11/11
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(A)

DATED: 4/7/96

ORDER/JUDGEMENT
D.A. NO. /R. I. /C.P. No. 1

D.A. NO. 1194/94

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLKR

II COURT

No Space Copy

